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COMMITTEE ON THE RIGHTS OF THE CHILD

Fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Mexico

1. The Committee considered the initial report of Mexico (CRC/C/3/Add.11) at its 106th and 107th meetings (CRC/C/SR.106-107), held on 11 January 1994, and adopted 1/ the following concluding observations:

A. Introduction

2. The Committee notes with satisfaction the early ratification of the Convention and the timely submission of the initial report of Mexico. In particular, the Committee appreciates the comprehensiveness of the report, which contains detailed information on the legal framework within which the Convention is implemented. The Committee, however, notes with regret the lack of information on the factors and difficulties impeding the implementation of the various rights recognized in the Convention, as well as the insufficiency of information on the concrete effects of measures adopted.

3. The Committee welcomes the written information provided by the Government in reply to the questions set out in the list of issues (CRC/C.4/WP.3), which were communicated to it before the session. Furthermore, the supplementary information provided by the delegation and its knowledge of matters connected with the Convention made it possible to engage in an open and constructive dialogue. The Committee also notes with appreciation the fact that replies to

1/ At the 130th meeting, held on 28 January 1994.

a number of questions raised during the dialogue were sent in writing to the Committee shortly after the consideration of the report.

B. Positive aspects

4. The Committee welcomes the efforts made by the State party in bringing domestic law into line with the Convention, through the enactment of new laws, the amendment of the Constitution, and the adoption of programmes specifically aimed at promoting and protecting the rights of the child. Among these achievements was the adoption, following the World Summit for Children in 1990, of the National Programme of Action, which focused on the areas of health, education, basic sanitation and assistance to minors in especially difficult circumstances as well as the periodical evaluation of the National Programme of Action. Other welcome developments are the adoption of the Law on the Treatment of Juvenile Offenders and the incorporation, in the Constitution, of the right of everyone to education through the amendment of its articles 3 and 31. The Committee also notes with interest the various activities undertaken by the National Human Rights Commission in the field of children's rights as well as the adoption of the National Development Plan and the Solidarity Programme aimed at solving the serious economic and social problems encountered by the country.

5. The Committee also notes with satisfaction the serious efforts undertaken to inform children with respect to the Convention and to encourage their participation in the implementation process through various innovative means.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee takes note of the existing disparities in the country and the difficult economic and social situation of Mexico, characterized by a high level of foreign debt, the inadequacy of budgetary resources earmarked for essential social services benefiting children and the unequal distribution of the national wealth. These difficulties severely affect children, particularly those living in poverty and children belonging to minority groups or indigenous communities. The Committee also notes that the high level of violence in the society and within the family and the recent political violence connected with the uprising in the Chiapas region have a considerable negative impact on the situation of children in Mexico.

D. Principal subjects of concern

7. The Committee expresses its concern at the fact that laws and regulations relevant to the enforcement of the rights of the child are not always compatible with the provisions of the Convention. It regrets that there is no provision in the national legislation relating to the best interests of the child or the prohibition of discrimination against children. Mere reference in the report to the Convention as being the "Supreme Law of the Land", pursuant to article 133 of the Constitution, should not preclude the Government from taking the necessary steps to fully harmonize national legislation with the provisions of the Convention, namely in the light of article 4 of the Convention. Similarly, the National Programme of Action adopted in 1990 and its enforcement machinery, based on the targets identified by the World Summit for Children, do not fully take into account the

particularities of the Convention. Furthermore, similarly to the National Programme of Action adopted in 1990 and its enforcement machinery based on the targets identified by the World Summit for Children, a monitoring mechanism should be established to follow the implementation of the Convention.

8. The national legislation and practice should take into full consideration, in the light of article 5 of the Convention, the capacity of the child to exercise his or her rights, namely in the field of citizenship.

9. The Committee expresses its concern at the unequal distribution of the national wealth in the country and the disparities and discrepancies in the enforcement of the rights provided for under the Convention between the different regions of the country, to the detriment of rural children and children belonging to minorities or indigenous communities.

10. The Committee is troubled by the great number of complaints of ill-treatment of children attributed to the police and security or military personnel and is disturbed by the failure to take effective steps to punish those found guilty of such violations or to make public eventual punishments; this may lead to a feeling on the part of the population that impunity prevails and that it is therefore useless or dangerous to bring complaints before the competent authorities. The Committee is also preoccupied by the existence on a large scale of child abuse and violence within the family.

11. The Committee is worried at the lack of implementation, in practice, of the provisions of the Convention and domestic legislation relating to the administration of juvenile justice and the treatment of young offenders.

12. The Committee is alarmed at the large number of children who have been forced, in order to survive, to live and/or work in the street. The exploitation of children as migrant workers is also of deep concern. Domestic law and its application in practice do not appear to be in conformity with the provisions of the Convention and relevant Conventions of the International Labour Organisation relating to the employment of minors.

13. A large percentage of children living in difficult circumstances, in particular children belonging to minorities or indigenous communities, appear to have left school without having been able to complete their primary education.

14. The Committee also notes with concern the high number of international adoptions of Mexican children.

E. Suggestions and recommendations

15. The Government must take all necessary steps, in all areas, to ensure the respect and actual implementation of the provisions contained in national legislation relating to the rights of the child. Furthermore, the Committee recommends that the State party takes necessary steps to fully harmonize federal and state legislation with the provisions of the Convention. Principles relating to the best interests of the child and the prohibition of discrimination in relation to children should be incorporated into domestic

law, and it should be possible to invoke them before the courts. Relevant mechanisms should also be set up, in parallel to those deriving from the National Programme of Action, to monitor the implementation of the Convention at the federal, state and local levels. Coordination between the various levels of the administration as well as the cooperation with non-governmental organizations involved in the implementation of the Convention and the monitoring thereof should be strengthened.

16. The Committee emphasizes that the best interests of the child must be a guiding principle in the application of the Convention and that the authorities should undertake all appropriate measures to the maximum extent of their available resources to ensure that sufficient resources are allocated to children, particularly children living and/or working in the streets, children belonging to minority groups or indigenous communities and other vulnerable children.

17. The Committee recommends that the State party should intensify its action against all violence resulting in cases of ill-treatment of children, in particular when committed by members of the police forces and security services and the military. The State party should ensure that cases of crimes committed against children by members of the armed forces or the police are tried before civilian courts.

18. The Committee recommends that urgent measures be adopted to combat discrimination against children belonging to the most vulnerable groups, in particular children subject to abuse or violence within the family, children living and/or working in the streets and children belonging to indigenous communities, including measures to eliminate and prevent discriminatory attitudes and prejudices such as those based on gender. In the framework of the adoption process, due consideration should be given to the provisions of article 12 of the Convention. Furthermore, intercountry adoption should be considered in the light of article 21, namely as a measure of last resort.

19. Finally, the Committee recommends that the provisions of the Convention should be widely publicized among the general public and, in particular, among teachers, social workers, law enforcement officials, the staff in correctional facilities, judges and members of other professions who are concerned with the implementation of the Convention. The Committee further recommends that, in the light of article 44, paragraph 6, of the Convention, the report submitted by the Government be made widely available to the public at large, including NGOs, and that the publication of the report be considered along with the relevant summary records and the concluding observations adopted thereon by the Committee.

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Fifth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on
the Rights of the Child: Namibia

1. The Committee considered the initial report of Namibia (CRC/C/3/Add.12) at its 109th and 110th meetings (CRC/C/SR.109-110), held on 13 January 1994, and adopted* the following concluding observations:

A. Introduction

2. The Committee welcomes the ratification of the Convention by the Government of Namibia. The Committee also wishes to express its appreciation to the State party for the particularly detailed and comprehensive report prepared and for the frank and constructive dialogue with the delegation.

B. Positive aspects

3. The Committee welcomes the political commitment within the country to improve the situation of children. The Committee also wishes to express its appreciation as regards the Government's willingness to be self-critical and to search for creative and innovative approaches to address the problems facing children in society. The Committee takes particular note of the following initiatives: the activities undertaken to promote greater public awareness of the rights of the child, also among children themselves; the encouragement of cooperation with the local, national and international

* At the 130th meeting, held on 28 January 1994.

communities in efforts to promote and protect the rights of the child; the Early Childhood Protection and Development Programme; the "street children" programme; the "Discipline from Within" Programme in the schools; and the development of Youth Councils. With regard to the latter two programmes, the Committee underlines their importance in respect of the possible measures to be taken to make a reality of various provisions of the Convention, particularly its article 12.

4. The Committee also notes with interest the suggestion that more vocational schools be established to try and reduce the level of school drop-outs.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee takes note that Namibia became an independent State in 1990 having suffered the consequences of colonial administration, apartheid and war. The Committee recognizes that these factors, combined with the problems of poverty, have had a constraining influence on the implementation of the provisions of the Convention. In particular, the Committee draws attention to the legacy of laws from the pre-independence period which are contrary to the provisions of international instruments and the Namibian Constitution.

D. Principal subjects of concern

6. The Committee observes that Namibia is not yet a State party to all the major international human rights instruments and is concerned that the reform of much national legislation remains to be undertaken to bring it into conformity with the provisions of the Convention on the Rights of the Child. In this connection, the Committee notes the contradictions to be found in national legislation with respect to the definition of the child.

7. The Committee is concerned at the extent of discrimination on the ground of gender as well as against children born out of wedlock and children in especially difficult circumstances. It also expresses concern at the discrimination practised against children with disabilities.

8. Certain phenomena which may have a possible negative impact or consequence on the situation of children, such as: teenage pregnancies, the high incidence of households headed by a single person, and the apparent lack of widespread understanding among parents of their joint parental responsibilities, are of concern to the Committee.

9. The Committee also takes note of the problems involved with improving the quality of education.

10. Equally, the Committee is concerned at the situation of children in especially difficult circumstances, including the incidence of child labour, particularly on farms and in the informal sector, and the number of children dropping out of school.

11. As regards the system of juvenile justice in place in Namibia, the Committee is concerned as to its conformity with the Convention on the Rights of the Child, namely its articles 37 and 40, as well as with relevant

international instruments such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

E. Suggestions and recommendations

12. The Committee recommends that consideration be given to the possibility of Namibia becoming a party to all the major international human rights instruments, and suggests that the State party may wish to request assistance from the United Nations Centre for Human Rights in this regard.

13. Equally, the Committee suggests that the State party fully integrate the Convention on the Rights of the Child into the national legal framework and into national plans of action for the implementation of the rights of the child. Moreover, the Committee recommends the early adoption of a new Children's Act which will take fully into account the principles and provisions of the Convention on the Rights of the Child and observations made by the Committee during its dialogue with the State party.

14. While noting with satisfaction the establishment of an Ombudsman's Office which has a mandate to deal with complaints of human rights violations, including those relating to children, the Committee suggests that the State party evaluate the work of the present Ombudsman Office to protect the rights of the child with a view to determining whether any further measures would be required to support the Office in its endeavours to contribute to the implementation of the rights of the child.

15. The Committee notes the important role being played by community leaders in efforts to improve the implementation of the rights of the child, particularly in order to overcome the negative influences of certain traditions and customs which may contribute to discrimination against the girl child, children suffering from disabilities and children born out of wedlock. The Committee also encourages the State party to continue to fully involve civil society and NGOs in activities to promote and protect the rights of the child.

16. Concerning the implementation of the rights of children to participate and express their views, the Committee is interested in receiving more information in the State party's next report on the functioning of the Youth and School Councils and of their involvement in any initiatives to address problems facing children and youth.

17. The Committee notes the clear recognition by the State party of the problems facing children in the family situation and the need to develop programmes, such as the training of social workers, education in family planning and the establishment of an alcohol and drug abuse centre, to address these problems. It also suggests that research be undertaken on the issue of sexual abuse within the family context.

18. With regard to educational matters, the Committee encourages the development of the initiative to provide more training to schoolteachers as a means to improve the quality of education and provide an opportunity to raise awareness within this profession of the rights of the child.

19. The Committee recommends that the study on marginalized groups of children be undertaken as a matter of priority.

20. The Committee is of the opinion that the system of the administration of juvenile justice in the State party must be guided by the provisions of articles 37 and 40 of the Convention on the Rights of the Child as well as relevant international standards in this field, including the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Moreover, it is suggested that measures be taken to train law enforcement officials, judges, personnel working in detention centres and counsellors of young offenders about international standards for the administration of juvenile justice. The Committee underlines the need for technical assistance programmes in the light of these recommendations and encourages the State party to continue its cooperation with the Centre for Human Rights, the Crime Prevention and Criminal Justice Branch of the United Nations Secretariat and UNICEF in this regard.

21. The Committee also recommends that the State party ensures that its policy and legislation on the issue of child labour is in conformity with the provisions of the Convention on the Rights of the Child and relevant ILO Conventions.

22. Furthermore, the Committee suggests that the State party undertake measures and programmes to educate the general public on parental responsibilities and to consider the possiblity of providing counselling in this regard. In addition, the Committee recommends that the State party, in its efforts to further disseminate awareness of the Convention on the Rights of the Child, make widely available, by appropriate means, the State party report, the summary records and the concluding observations by the Committee.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Preliminary observations of the Committee on the rights of the Child: Colombia

1. The Committee began consideration of the initial report of Colombia (CRC/C/8/Add.3) at its 113th, 114th and 115th meetings (CRC/C/SR.113-115), held on 17 and 18 January 1994. In view of the fact that it was not possible during the session to fully clarify a number of serious concerns about the implementation of the Convention, the Committee decided to continue consideration of the initial report of Colombia at a future session and adopted* the following preliminary observations. In this connection, the Committee requests the State party to provide it with written answers to the questions set out in the list of issues (CRC/C.5/WP.2) which had been formally transmitted to the State party. Equally, the Committee requests the State party to provide it with additional information on particular areas of concern identified by the Committee, as set out in paragraphs 10 to 16 below. The Committee recommends that the information requested be submitted by 28 February 1994.

A. Introduction

2. The Committee expresses its appreciation to the State party for the submission of its initial report and takes note of the information contained in the report, particularly with regard to the steps taken to provide a legislative framework for the implementation of the Convention. The Committee regards its preliminary dialogue with the State party to have been fruitful and as one which was undertaken in a cooperative spirit. The Committee,

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* At the 130th meeting, held on 28 January 1994.

however, regrets that it was not given sufficient information regarding the actual situation of children in Colombia or on specific measures being taken at present to protect vulnerable groups at grave risk.

B. Positive aspects

3. The Committee welcomes the major legislative initiatives adopted with a view to providing a legal framework for the implementation of the Convention, namely the adoption of the Minors' Code and the references to the rights of the child contained in the revised Constitution. The Committee also welcomes the steps taken by the Government towards creating special mechanisms for the implementation of the Convention such as the Inter-Agency Committee for the Defence, Protection and Promotion of the Human Rights of Children and Young People and the Office of the President's Programme for Youth, Women and the Family. The Committee also welcomes in this connection the efforts made to facilitate the participation of non-governmental organizations (NGOs) in the implementation process.

4. The Committee notes the progress which has been made over the last 10 years in lowering the infant mortality rate. The Committee also welcomes the formulation by the State party of a National Plan of Action and the setting of concrete goals as follow-up to the World Summit for Children.

C. Factors and difficulties impeding the implementation of the Convention

5. The Committee takes note that Colombia is going through a difficult economic transition period and is facing serious political problems stemming from drug-related terrorism, violence and poverty. The Committee takes note of the disparities existing in the country at the economic and social levels.

D. Principal subjects of concern

6. The Committee expresses its concern over the significant gap between the laws adopted to promote and protect the rights of the child and the practical application of those laws to the actual situation of a great number of children in Colombia. The Committee is concerned at the lack of sufficient coordination of the various efforts to implement the Convention. The Committee is also concerned about discriminatory and adverse social attitudes, particularly among law enforcement officials, towards vulnerable groups of children.

7. The Committee expresses its grave concern over the life-threatening situation faced by an alarming number of children in Colombia, particularly those who, in order to survive, are working and/or living on the streets. Many of those children are subject to arbitrary arrest and torture and other inhuman or degrading treatment by authorities. They are also subject to coercion, disappearance, trafficking and murder by criminal groups.

8. The Committee expresses its grave concern over the large proportion of Colombian children who continue to live in extreme poverty despite the fact that Colombia has one of the most favourable economic growth rates and one of the lowest amounts of per capita foreign indebtedness in the region. Many

children in Colombia, including a large proportion of rural and indigenous children, have been economically and socially marginalized and have limited or no access to adequate education or health care services.

9. The rules on the minimum age of employment are below international standards and even then are not enforced. Hazardous child labour, including in mines, is a matter of the deepest concern.

E. Preliminary suggestions

10. The Committee suggests that firm measures be taken urgently to ensure the right to survival for all children in Colombia, including those from vulnerable groups. Such measures should include a quick response to reports of and complaints from children who are victims of violence, disappearance, assassination or alleged organ trafficking. Thorough and systematic investigation should be carried out and severe penalties applied in cases involving violence against children. The outcome of investigations and cases of convictions should be widely publicized in order to deter future offences.

11. The Committee suggests that, in order to increase the coverage and quality of services for children and to include those from vulnerable groups, more substantial budgetary allocations be provided to services for children, particularly in the areas of education and health, namely in the light of articles 2 and 3 of the Convention.

12. The Committee suggests that reliable quantitative and qualitative information be systematically collected and analysed to monitor closely the situation of marginalized children, particularly those from indigenous groups, in order to guide further efforts to improve their situation.

13. In regard to the problems of working children, the Committee suggests that Colombia ratify ILO Convention No. 138 concerning the minimum age for admission to employment and review all relevant legislation with a view to bringing it up to minimum international standards. Child labour laws should be enforced, complaints should be investigated and severe penalties imposed for violations. The Committee suggests that the Government more actively enlist the support of NGOs and other private sector organizations in raising public awareness of the problem and in monitoring enforcement of the laws.

14. In the field of the administration of juvenile justice, greater efforts should be made to ensure respect for the standards and legal safeguards contained in the Convention, in particular in the light of articles 37, 39 and 40 and taking into due consideration other relevant international instruments adopted in this field by the United Nations. Furthermore, the Committee suggests that all children deprived of their liberty should be registered and closely monitored in order to ensure that they are afforded the protection provided by the Convention.

15. The Committee suggests that steps be taken to strengthen the educational system, particularly in the rural areas. The quality of teaching should be improved and the high number of school drop-outs should be reduced. Counselling services for youth should be developed as a preventive measure aimed at lowering the high incidence of teenage pregnancies and stemming the

dramatic rise in the number of single mothers. Educational campaigns should be undertaken to reduce violence in society and in the family and to combat prejudice on the basis of gender.

16. To assess the implementation of the Convention and to narrow the gap between the law and its practice, the Committee suggests that the State party establish a mechanism to monitor the actual situation of children, particularly those from vulnerable groups. Given the seriousness of the problem, the Committee suggests that the State party seek closer cooperation with international agencies which may be able to provide assistance and expertise and to embark upon major reform in the problem areas identified by the Committee. The Committee suggests that a new attitude and approach be developed, particularly as regards the police and the military, in order to enhance respect for all children, regardless of their social, economic or other background, and to reaffirm their value. In this connection, information and training programmes should be strengthened at the level of the community and the family. Further measures should be envisaged to strengthen cooperation with NGOs aiming at greater social mobilization on behalf of the rights of the child.